Adjournment motion regarding the retention of Mr. Srinivasa Ayyar in the Trichur Mental Hospital.

President.—There is a motion of Mr. Salem for the adjournment of the business of the Council for discussing a definite matter of public importance. It is very convenient if these statements are placed before me before I take the Chair.

Mr. A. B. Salem.—We shall hereafter do that. The statement was ready yesterday.

President.—The statement reads thus:—"*Sir, in asking leave to make a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance I beg to hand the following written statement:—*

"*To consider the retention of one Srinivasa Ayyar in the Trichur Mental Hospital owing to the non-holding of a meeting of visitors for over a month as revealed by the answers to question No. 545 this day.*"

What is the urgency about this motion?

Mr. A. B. Salem.—There may be so many cases like that in which the Medical officers may be of opinion that the lunatics concerned are all right and may be discharged, and still visitors may not come. So that, attention has to be called to the subject because it concerns the liberty of persons.

President.—That is, I know, a matter of public importance. What is the urgency?

Mr. A. B. Salem.—We do not know whether there are any such cases to be reported and which are still pending.

Mr. T. M. Krishna Menon.—I may say there are no pending cases, because recently I visited the Mental Hospital and two cases were discharged.

Mr. A. B. Salem.—It is only when that matter comes up we will run at that. We are now face to face with a situation that owing to the dereliction of duty, of whoever concerned, whether official or non-official, as visitors of the Mental Hospital, a person, who was fit in the opinion of the Medical officer to be discharged, and who was reported as a fit case to be examined for discharge by the visitors, had to be detained in the asylum for over a month, because of the fact that visitors did not come round. That is a very important matter.

President.—You can say it is an important matter. What is the urgency?

Mr. A. B. Salem.—Such cases may occur.

President.—You may bring in a resolution. That has happened a month ago.

Mr. A. B. Salem.—It was only by a question that we knew it. At question time we are not allowed to put supple-

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mentary questions from other quarters. Only the particular Member has the right of putting supplementary questions. We could not know exactly what all has taken place with reference to that matter. Is it not important and urgent to enquire into the conduct and dereliction of duty ?

Diwan Bahadur Dr. V. Verghese.—One point for information.

Mr. A. B. Salem.—I am only explaining the urgency as to look into the conduct of those persons that have been found to be derelict of duty towards a poor man who has been lying there and who has been complaining that his liberty of person has been violated completely for over a month and that he refused to take food. We do not know anything about the matter, what all things took place and how did these things occur. We must give an opportunity to you to justify that the officers have nothing to blame. We cannot allow our officers to stand under a cloud. We are now under a cloud. Without discussing and without allowing the matter to come to public light, how are we to know that there is absolutely nothing objectionable on the part of any of the officers or the official concerned in the matter? It is only by a discussion that we can possibly know that. Therefore, such opportunities to explain fully the whole matter, that this man's liberty of person was not trifled with, should be given to those who are concerned with it. You should welcome that opportunity to discuss the whole matter, and I am only giving an opportunity to you to say full what you have to say in the matter, as apparently a man's liberty was taken away for over a month. Were the circumstances justifiable or unjustifiable? If they are unjustifiable, the Government will deal with the parties concerned. If they are justifiable, everybody is happy and every one goes his own way. Nobody says anything. I submit it is a most urgent matter to see whether the conduct of the persons concerned has been justifiable or not justifiable. For example, after the attack of the Police on the people, though the incident was over, it was considered as a matter of urgency so that a recurrence should not take place and the President ruled that it was a matter of urgent public importance.

President.—In what connection ?

Mr. A. B. Salem.—In relation to Simon Commission, that unlucky business. Though the incident was over and though there was no likelihood of the recurrence at the time, the President accepted it as a matter of urgent importance.

Diwan Bahadur Dr. V. Verghese.—This is a matter of discharge of lunatics from the asylum Two or three persons are put before the Board.

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President.—That is all explanation.

Diwan Bahadur Dr. V. Verghese.—No explanation. Hearing the facts, the Board says: 'do not discharge this man.' The recommendations put before the Board do not at all say that the man is sane. That is the procedure.

President.—Those are all on the merits of the case. I am only on the question whether the motion is in order. There are two or three points to be considered in regard to urgent motions. The President has first to give his consent that the motion is in order. Then he should ask the Members whether they have objection to the motion, and if more than 20 persons rise from their seats and say it is objectionable, the motion is ruled out. If there is no opposition, the President allows. I am only on the preliminary question whether I should consider that this motion is in order, whether I should give my consent for the discussion of this motion. Nothing on the merits of the case.

Diwan Bahadur Dr. V. Verghese.—Preliminary consideration requires the proof that the man was sane. The fact that he was sane must be proved. I must say at once for the information of the Hon'ble Member that it is not true that he was sane.

President.—That is a question of fact which has to be brought in discussion. Do you follow me?

Mr. A. B. Salem.—I have got records to show that the man was declared fit. If it is otherwise noted, that is a second list. Here a Medical officer comes and says "this is a man who is in a fit condition to be discharged." The case may come before the Board, so that the Board may pass the necessary orders. When there is such a fact, can we not rely upon the fact for the purpose of showing that the man is fit to be discharged? We will have no quarrel. Boldly sit and say this man is not fit to be discharged. Why not the Board meet and come to a decision? That is the point.

President.—Is there anybody to oppose the motion? Are you ready to discuss or do you want materials and require time till to-morrow?

Diwan Bahadur Dr. V. Verghese.—I think I have no objection. I should like to get some further information about this matter from the Mental Hospital.

President.—Will you be ready to-morrow?

Diwan Bahadur Dr. V. Verghese.—Oh, yes.

President.—You will have a very thin House to-morrow, being the last day.

The adjournment motion is allowed to be discussed in the Council. This is fixed for discussion at 3-30 p. m. to-morrow.

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